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CALIFORNIA STEM CELL
TREATMENT CENTER, INC.,
CELL SURGICAL NETWORK
CORPORATION, ELLIOT B. LANDER, M.D.
and MARK BERMAN, M.D.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CALIFORNIA STEM CELL
TREATMENT CENTER, INC., a
California corporation, CELL
SURGICAL NETWORK
CORPORATION, a California
corporation, and ELLIOT B. LANDER,
M.D., MARK BERMAN, M.D.,
individuals,

Defendants.

CASE NO. 5:18-CV-01005-JGB-KK

Hon. Jesus G. Bernal
Riverside, Courtroom 1

**DECLARATION OF MATTHEW
M. GURVITZ IN SUPPORT OF
DEFENDANTS UNOPPOSED *EX
PARTE* APPLICATION TO
CONTINUE HEARING ON
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT,
PLAINTIFF'S MOTION TO
STRIKE, AND DEFENDANTS'
DAUBERT MOTIONS**

Action Filed: May 9, 2018
Trial Date: February 11, 2020

DECLARATION OF MATTHEW M. GURVITZ

I, Matthew M. Gurvitz, declare as follows:

1. I am Counsel at Venable LLP, counsel for Defendants California Stem Cell Treatment Center, Inc., Cell Surgical Network Corporation, Elliot B. Lander, M.D. and Mark Berman, M.D. (collectively, “Defendants”) in the above-entitled action. I submit this declaration in support of Defendants Unopposed *Ex Parte* Application to continue the December 9, 2019 hearing on Plaintiff’s Motion for Summary Judgement (ECF Doc. 45), Plaintiff’s Motion to Exclude the Declaration of Elliot Lander, M.D., (ECF Doc. 63 and Defendants’ four *Daubert* Motions (ECF Docs. 65-68).

2. Neither I, nor Celeste Brecht are available on the December 9, 2019 hearing date because we will be travelling on business that was scheduled before this Court ordered the new hearing date on July 10, 2019.

3. On November 8, 2019, I gave notice of this Application to Plaintiff’s counsel, Natalie Sanders. During that telephone call, Plaintiff’s counsel confirmed that Plaintiff does not oppose Defendants’ *ex parte* application to continue the hearing date on the above-referenced motions so long as the hearing on all pending motions be continued to the same date. Defendants also respectfully request that the hearing date on all pending motions be set for the same date for the convenience of the parties and Court.

I declare that the foregoing is true and correct under penalty of perjury under the laws of the State of California. Executed this 12th day of November, 2019, at Los Angeles, California.

/s/ Matthew M. Gurvitz
Matthew M. Gurvitz

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on November 12, 2019 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5.2.

/s/ Matthew M. Gurvitz
Matthew M. Gurvitz

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